IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICTION NO. 176 OF 2006
IN
WRIT PETITION NO. 2218 of 2001

Vittal Yashwant Rasal
and others. ... Petitioners.

V/s.

Nashik Mahanagar Palika
Shikshan Mandal and others. ... Respondents.

And

Vittal Yashwant Rasal. ... Applicant.

Bhavesh Parmar for the petitioners/applicant.

P.A.Waghmare i/b. R.V.More for respondent No.1.

Ms.P.P.Tendulkar i/b. M.S.Karnik
for respondent No.3.

CORAM : V.C.DAGA, J.

DATED : 31st March 2006.

P.C. :

Heard learned counsel for the applicant.

2. Perused substantive petition as well as civil application under consideration.

3. The substantive petition is directed against the order passed by the Industrial Court dated 7th April, 2001 dismissing the Complaint (ULP) No.550 of 1997. Rule has been issued on 10th August, 2001 along with rule on stay, returnable on 18th October, 2001. In the meanwhile, ad-interim relief, which was operating by virtue of the order dated 4th May, 2001, was allowed to operate.

4. It appears that after hearing the parties on interim relief, learned single Judge (Mr.Khanwilkar, J.) on 8th February, 2002, passed an order reading as “No orders”. In other words, the Court did not pass any order continuing the operation of the ad-interim order. With the result, as on date, there is no ad-interim or interim order operating in favour of the petitioner.

5. By this civil application, the petitioner is seeking direction against the respondents directing them to pay his wages at the rate of Rs.8,000/- per month as were paid to other permanent Security Guards. No such interim relief can be granted in favour of the petitioner in this petition since interim relief can be granted only in the aid of final relief. The interim relief claimed by the applicant/ petitioner No.1 is not in the aid of final relief. Hence, prayer for interim relief made in this application is liable to be rejected.

6. In the result, civil application is rejected with no order as to costs.

(V.C.DAGA, J.)